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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,219	10/30/2000	Taichi Kobayashi	Q61467	6374

7590

08/13/2002

SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER

GALLAGHER, JOHN J

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 08/13/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/6982.9

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-32 is/are pending in the application.
- Of the above claim(s) 12-32 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- ☒ Claim(s) 2 is/are objected to.
- ☒ Claim(s) 1-32 are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3-4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Other see EXCEP

Office Action Summary

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1. The restriction requirement imposed in the last Office action is deemed proper for the reasons set forth therein, and is therefore hereby reiterated and made FINAL.

Claims 12-32 stand (and remain) withdrawn from further consideration by the Examiner as being directed to a non-elected invention, 37 CFR 1.142(b).

Election is made WITHOUT traverse in Paper No. 6.

2. The disclosure is objected to because of the following informalities: Page 34 line 1 - change "CLAIMS" to "We Claim" or equivalent, as per MPEP § 608.01(m).

Appropriate correction is required.

3. Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim this claim has not been further treated on the merits. Changing "and" in line 2 of this claim to "or" would effectively overcome this objection.

4. Claims 1-2, 6 and 9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically (a) claim 1 line 1 - change "of" to "for"; (b) claim 6 line 3 - change "and" to "for"; and (c) claim 9 line 2 - insert "been" after "having".

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 3-4 are rejected under 35 U.S.C. § 102(b) as being (clearly) anticipated by Ryan.

Ryan discloses that it is known to (pre)treat a fluorine resin substrate with a corona discharge in an e.g. nitrogen atmosphere to increase the adhesion property thereof prior to adhesively bonding it to another substrate. (Column 1 lines 10-12, 20-22 and 40-67, column 2 lines 18-21). All of the essential limitations of these claims are seen to be satisfied by this reference.

7. Claims 5-6 are rejected under 35 U.S.C. § 102(b) as being (clearly) anticipated by either Sabreen or Ryan.

Sabreen discloses a process of the type and most similar to that of Ryan wherein the gaseous atmosphere in which

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corona treatment is effected is one of air. (Abstract, column 1 lines 6-57). All of the essential limitations of these claims are seen to be satisfied by this reference. Further regarding this rejection, note that Ryan also provides for the use of an air atmosphere.

8. Claims 1-2, 5-6 and 8-9 are rejected under 35 U.S.C. § 102(e) as being (clearly) anticipated) by Krause et al.

Krause et al. disclose a process of the type and most similar to those of the two above applied references wherein (a) the gaseous atmosphere in which corona treatment is effected is either air and/or oxygen or nitrogen; (b) the corona treatment is fairly documented as resulting in the formation of functional groups on and in the (extruded) fluorine resin (e.g. ETFE) substrate surface; and (c) a thermoplastic or thermosetting elastomer is laminated to the corona treated surface of the fluorine resin substrate. (Abstract, column 3 lines 64-67, column 4 lines 1-20 and 34-65, column 5 lines 18-26, 44-47 and 67, column 6 lines 1-6, 48-55 and 59-60). All of the essential limitations of these claims are seen to be satisfied by this reference.

9. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth

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in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 10-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Krause et al. Ethylene-vinyl acetate (EVAc) copolymer (a known elastomeric material which is known to be curable or cross-linkable by a free radical mechanism and initiator) is seen to be implicitly encompassed within the elastomers provided for and documented by these patentees (who (again) envision the use of both thermoplastic and thermosetting such materials).

11. Claims 10-11 are further rejected under 35 U.S.C. § 103(a) as being unpatentable over Krause et al. in view of the CCD excerpt.

The CCD excerpt (page 362) indicates and establishes that EVAc copolymer is indeed known and appreciated to be an elastomeric material. This (secondary) reference is specifically applied primarily for the sake of exposition and completeness.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) ⁸⁷²⁻⁹³¹⁰~~305-3599~~.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.


JJGallagher:cdc

July 31, 2002


JOHN J. GALLAGHER
PRIMARY EXAMINER
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